UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/49/349
30 August 1994

ORIGINAL: ENGLISH

Forty-ninth session
Item 100 of the provisional agenda*

ADVANCEMENT OF WOMEN

Implementation of the Nairobi Forward-looking Strategies for the Advancement of Women to the Year 2000

Report of the Secretary-General

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I. INTRODUCTION

1. Since the endorsement of the Nairobi Forward-looking Strategies for the Advancement of Women 1/ by the General Assembly in its resolution 40/108 of 13 December 1985, the Secretary-General has annually presented a report to the Assembly on the implementation of the Strategies. In its resolution 48/108 of 20 December 1993, the Assembly requested the Secretary-General to report to the Assembly at its forty-ninth session on measures taken to implement the provisions of the resolution.

2. The present report has been prepared on the basis of contributions from and in consultation with the organizations of the United Nations system.

3. A report on the preparations for the Fourth World Conference on Women: Action for Equality, Development and Peace, to be held in Beijing from 4-15 September 1995, including information on measures to implement the provisions of resolution 48/108 related to the Conference, is being submitted separately.

II. PRIORITY THEMES TO BE CONSIDERED BY THE COMMISSION ON THE STATUS OF WOMEN AT ITS THIRTY-NINTH SESSION

4. In its resolution 48/108, paragraph 19, the General Assembly requested to include in the present report an assessment of recent developments that are relevant to the priority themes to be considered at the subsequent session of the Commission and to transmit to the Commission a summary of relevant views expressed by delegations during the debate in the Assembly.

A. Equality: women and economic decision-making

5. The first review and appraisal of the Nairobi Forward-looking Strategies in 1990 emphasized the importance of women in the labour force contrasted with their lack of full participation in economic decision-making. In recommendation IV, arising from the first review and contained in paragraph 5 of the annex to its resolution 1990/15, the Economic and Social Council stated that Governments, non-governmental organizations and private sector enterprises should take special measures to increase the proportion of women involved in economic decision-making, including studies on the incidence of women in economic decision-making positions in the public and private sectors, the promotion of training programmes, analysis of alternative policies to provide women with careers leading to economic decision-making, and the adjustment of national legislation.

6. It was also recommended that the United Nations should study the incidence of women in economic decision-making worldwide, analyse innovative national programmes to increase the proportion of women in economic decision-making positions and publicize the results, within existing resources. As an integral part of the focus of the International Labour Organization (ILO) on equality of opportunity and treatment between men and women in the world of work, it has

conducted a number of studies, publications and seminars on women in economic decision-making as well as analysis of affirmative action and other innovative national programmes to increase women's proportion in economic decision-making positions.

7. The issue of women in economic decision-making and its relationship to the global advancement of women have received less attention than the role of women in politics and governmental policy-making. For this reason, the Commission on the Status of Women has made "Women and Economic Decision-Making" a priority theme for its thirty-ninth session in March 1995.

8. While there are no regular global statistics published on the proportion of women in top-level economic decision-making positions in the private sector, studies have been conducted by the Division for the Advancement of Women in order to provide estimates. Research results suggest that the proportion of women in economic decision-making roles in the private sector, on average, is more or less the same as the percentage in the public sector.

9. Data for the last twenty years indicate that both the proportion of women in the labour force relative to men and the rate of growth in female employment have increased. These trends apply to most regions and economic sectors. More and more women are studying at the tertiary educational level, significantly narrowing the gap with men, and are entering male-dominated fields of education. Despite the trends in employment and education, women are still excluded from top managerial and executive positions in both the private and public sectors where important economic decisions are made. This trend applies to all levels, international, regional and national.

10. In the 1,000 largest corporations based outside of the United States, only 1 per cent of executive positions are currently held by women, according to the study prepared by the Division for the Advancement of Women. In the 1,000 largest corporations in the United States, the proportion is higher, at 8 per cent, with concentrations of women executives in wholesale and retail trade. Few women hold the top-most corporate positions, either in the United States or elsewhere. A contrasting set of cases comes from the Scandinavian countries. In the Nordic countries women have made significant advances in political and governmental decision-making, while they have lagged behind in climbing the corporate ladder and in the area of economic decision-making. This indicates that corporate culture is more conservative in Scandinavian countries than in the United States and that affirmative action programmes have been targeted towards the public sector in Scandinavia while affirmative action programmes have been targeted towards the private sector and non-decision-making positions in the public sector in the United States.

11. An important issue which needs to be addressed is the extent to which management institutions have or have not responded to the career needs of women in economic decision-making by providing training to women in managerial roles to improve their entry into and effectiveness in managerial positions and to strengthen their capacity therein. A large ILO project on "Programme to strengthen training institutions in Africa", which covered 15 management development institutions in francophone and anglophone Africa, had a component on women in management which examined the above issue. It observed, inter alia,

that conceptual inputs and a managerial orientation congruent with national, social, cultural and organizational realities are essential for management institutions to conduct meaningful research, training and consultancies for enterprises. Training for women managers based on such knowledge would ensure the development of their professionalism, work ethos and managerial orientation grounded in the reality of formal organizations and their specific socio-cultural contexts. 2/

12. The participation of women in top public and private management positions, in business enterprises, and the executive committees of trade unions and professional organizations is a relatively new phenomenon. The proportion of women in economic decision-making is very low and is increasing at a far slower rate than trends in employment and education.

13. The same is true for the web of powerful global and regional multilateral institutions which regulate and supervise international currencies, trade and investment. Women have been virtually excluded from key decision-making positions and from negotiating roles in these international economic forums. Similarly, the proportion of women in national trade policy is insignificant. Consequently, a gender dimension has been absent from macroeconomic policies and decisions regarding resource distribution, wealth creation and exchange.

14. Even in professions which remain predominantly female, women remain subordinate to men in decision-making. For instance, female nurses remain largely subordinated to male doctors and hospital administrators. Women in education are clustered in positions at pre-school and primary levels and primarily teach languages and humanities, rather than in more valued technical fields like mathematics, science, economics and engineering. Within the education hierarchy, men fill the higher ranking positions.

15. Many factors account for the apparent "glass ceiling" which restricts women's upward mobility. Gender bias is embedded in employment, training and promotion rules and procedures, administrative regulations, and performance evaluation. These are formulated to provide advantages to men as both employers and employees, and they are unfavourable to women and their needs. A widespread and pervasive "male corporate culture" propagates sexual harassment, denial of career development opportunities for women, their exclusion from networks, and the under- or non-valuation of women's qualifications and skills.

16. However, in many countries, women, including the elderly, are making advances in economic decision-making through entrepreneurship in small and medium-sized enterprises. Women face less barriers in entrepreneurship than in large corporate structures, and they are better able to fulfil the need for a flexible work environment.

17. Since 1982, the International Trade Centre UNCTAD/GATT (ITC), the focal point in the United Nations system for technical cooperation with developing countries for trade promotion and export development, has made efforts to integrate women's issues and, subsequently, a gender perspective in its technical cooperation activities. One of ITC's priorities in trade promotion and export development has been to increase women's participation and decision-making in foreign trade. ITC's experience since 1982 clearly demonstrates that

women play a critical role in the development process and that the female business community can be effectively mobilized and integrated into the mainstream trade development process.

18. The ITC recommends that the Nairobi Forward-looking Strategies should include reference to the role of women in external trade, including international, cross-border and regional trade and proposals for enhancing women's participation and economic decision-making in these areas.

19. The external trade sector can play a catalytic role in sustainable social and economic development. Consequently, the trade dimension needs to be integrated into gender-based development strategies and programmes. The multi-sectoral nature of economic development requires interaction between production and trade of the national, subregional and regional levels. Given the objective of raising productivity and income of women entrepreneurs, backward and forward linkages are required between demand (markets for goods and services) and factors of production (labour and capital).

20. In many developing countries, particularly low-income and the least-developed countries, local economic and market conditions do not always allow an expansion in output. The reasons include lack of access to the means of production and the limited purchasing power of consumers, especially in rural areas. A sustainable solution is to link production to export market opportunities at the subregional, regional and global levels and producing goods and services which meet subsequent demand.

21. Apart from the issue of increasing women's participation in the executive committees of trade unions, it is also necessary to enhance women's representation in the decision-making organs of chambers of commerce and other employers associations.

22. With respect to women's participation in leadership positions in trade unions, the ILO has recently collected data from various regions as part of its interdepartmental project on women. The data indicate that, while women continue to be underrepresented in union leadership positions, some progress has been achieved in recent years. Women are better-represented in local level union leadership positions rather than at the national level. Furthermore, the leadership positions held by women tend to be in peripheral rather than core union activities which do not lead to career advancement. 3/

23. These issues will be discussed at a forthcoming expert group meeting on "Women and Economic Decision-Making", being organized by the Division for the Advancement of Women to take place from 7-11 November 1994. The results and recommendations will be presented to the Commission on the Status of Women in 1995 and will be included in the draft Platform for Action for the Fourth World Conference on Women.

B. Development: promotion of literacy, education and training, including technological skills

24. The Nairobi Forward-looking Strategies recognized education as the basis for the full promotion and improvement of the status of women (para. 163). The World Conference on Education for All, held in Jomtien, Thailand, drew attention to the gender gap in educational opportunities and its consequences for human development. The Convention against Discrimination in Education (Paris, 1960) and article 10 of the Convention on the Elimination of All Forms of Discrimination against Women (Assembly resolution 34/180, annex) recognizes equal rights for girls to education, including the right to compulsory and free primary education and universal access to secondary, vocational and higher education.

25. The first review and appraisal of the Nairobi Forward-looking Strategies in 1990 emphasized the importance of women in education. In recommendation III, arising from the first review and contained in paragraph 4 of the annex to its resolution 1990/15, the Economic and Social Council stated that in the area of education, both formal and non-formal, governments should promote the training of teachers on gender issues, co-education and professional counselling. Governments should complete the revision of textbooks expeditiously, if possible by 1995, in accordance with national law and practice, in order to eliminate sex-biased presentations. Women's access to decision-making in the media could be a way to combat stereotyping of women. The United Nations Educational, Scientific and Cultural Organization (UNESCO) is organizing an international symposium on "Women and the Media: Access to expression and to decision-making" to be held in Toronto, Canada on 28 February-3 March 1995.

26. It was also recommended that Governments, non-governmental organizations, women's groups and all other entities concerned should take steps to amend formal and informal educational systems at all levels to promote change in the psychological, social and traditional practices that are the foundation of the de facto obstacles to women's progress.

27. It was further recommended that the United Nations Secretariat, UNESCO and other appropriate organizations of the United Nations system should continue to analyse the extent and effects of stereotyping of women and implement innovative programmes to combat it.

28. In recommendation X, the Economic and Social Council stated that Governments that have not already done so should reorient resources to ensure women's equal access to education and training at all levels and in all fields and, in collaboration with women's groups and non-governmental organizations, should make special efforts to remove all gender-related differences in adult literacy by the year 2000. Programmes should be established to ensure that parents and teachers provide equal educational opportunities for girls and boys. In particular, encouragement should be given to promoting the study by girls of scientific and technological subjects, particularly those corresponding to national development priorities, and to preparing girls for full participation in the economy and public life.

29. The United Nations Development Fund for Women (UNIFEM) stresses that major efforts should be made and effective incentives created to increase women's access to education and training in the fields of science and technology. The Expert Group Meeting on "Women's Science and Technology", convened by UNIFEM in December 1993 at the request of the secretariat for the Fourth World Conference on Women, recommended that Governments should be encouraged to set quotas for women at all levels in science and education to ensure that a critical mass of 30 per cent of professional women scientists and technologists is achieved. In order to encourage girls and young women to enter science education, efforts should be made to de-mystify science and technology, to develop gender-neutral science curricula, and to promote images of women in scientific and technical professions and fields. Increased women's participation in science and technology could shift the mainstream towards being more people-centred and more focused on basic needs and sustainable development.

30. It was further recommended that UNESCO and other organizations of the United Nations system should give pricrity to eliminating female illiteracy and to monitoring efforts to ensure that women have equal access to all levels of education and training. UNESCO has organized, in cooperation with the United Nations Children's Fund (UNICEF), a Pan-African Conference on the education of girls held in Ouagadougou, Burkina Faso on 28 March-1 April 1993. This Conference marked another milestone in regional efforts to make education for all a reality in terms of quality, access and management. The main objectives of the Conference were to obtain a regional consensus on girls education as priority for education development in Africa. The Conference adopted the Ouagadougou Declaration which calls upon Governments, international and bilateral agencies, NGOs and politicians to establish the education of girls as a priority, to set targets and to report regularly to the international Forum on Education for All (EFA). In the Delhi Declaration (16 December 1993), the leaders of nine high-population developing nations reaffirmed their commitment to EFA goals by, inter alia, recognizing that "the education and empowerment of girls and women are important goals in themselves and are key factors in contributing to social development, well-being and the education of present and future generations, and the expansion of the choices available to women for the development of their full potential" (paras. 2-6).

31. In recommendation XI of the Economic and Social Council (E/1990/INF/6), paragraph 14, it was stated that Governments should take particular steps to ensure that new technologies are accessible to women.

32. While there is broad recognition that the education of women and girls is a principal, cost-effective factor in human resource development, the issue has not been studied in depth by the Commission on the Status of Women. At the thirty-ninth session of the Commission in March 1995, the promotion of literacy, education and training, including technological skills, will be the priority theme, as identified in the Commission's long-term work plan.

33. Education can be a change agent empowering women and girls of all ages. For many girls and women, school or literacy classes may provide the only opportunity for exposure to a wider world and for contact with a non-family institution, thereby giving social status and self-esteem. Education enhances the ability of women to express their demands and aspirations as well as to

negotiate to secure their needs. Educated women are more likely to participate in politics and in civil society and to know and exercise their legal rights.

34. Recent educational data reflect the significant changes that have occurred over the last two decades. While improvement is being achieved in the enrolment of both girls and boys in primary education, girls continue to lag behind boys in both enrolment and retention. Access to and retention in primary education for girls remains an especially serious problem in sub-Saharan Africa, South Asia and the Middle East. In particular, progress in the primary school enrolment rate in the least developed countries has been significantly lower, and the drop-out rate considerably higher than in the developing countries as a whole. Differences remain between girls and boys in achievement levels and retention rates. As a result of past discrimination that kept girls from attending school, the literacy rate of adult women, particularly in rural areas, is also inferior to that of men in nearly all developing countries.

35. Governments are cognizant of the disparities in schooling levels between boys and girls, as indicated by findings on enrolment differentials at the primary, secondary and tertiary levels. While significant progress has been made in gathering gender-disaggregated statistics, data are generally limited to the formal educational system. Some Governments have promoted policies and strategies to improve educational opportunities for girls, and efforts have been made to attract girls into scientific and technological fields.

36. Both literacy and basic education for all, as well as technical and vocational education for girls and women are of great concern. The educational content should reflect the needs, interests and aspirations of girls and women, and stimulate their creative and entrepreneurial potential. Particular incentives are needed in curricula, teaching materials and teacher training, with regard to role models and classroom situations to ensure that both boys and girls are emancipated from stereotyped roles and expectations. Strategies need to be developed which will result in the employment of more female teachers at the secondary, vocational, technical and university levels.

37. The rationale for girls' and adult women's education includes the effects of improved ability to choose the number and timing of births, lower fertility, improved family and reproductive health, lower infant mortality and increased prosperity in the household. Mothers who are educated are likely to pass their education and its benefits on to future generations, particularly to their daughters and granddaughters.

38. Given the importance of girls' schooling and literacy training for adult women, it is imperative to develop strategies for closing the gender gap and providing women with the knowledge and skills necessary to cope with changing socio-economic conditions. Special literacy programmes that cater to the needs of women, especially rural women, should be promoted. Measures should be taken to ensure wide dispersal of educational facilities across geographical space, at least up to the secondary school level, so that access of all women living in remote and rural areas is fostered. This is particularly important for the least developed countries where the gender gap in education is much more pronounced than developing countries as a whole. With regard to strategies for closing the gender gap, cross-country data suggest that female teachers can draw

more girls into school, even in a co-educational setting. To this end, strategies to reduce the gender gap at the country level should also include initiatives to increase the number of female teachers in educational projects. These strategies must also deal with the quality of education as well as its financing. Cost-sharing should be developed between the public and private sector; government (the public sector) should honour its commitment to equity in education ensuring that girls and women receive the support needed to enable them to participate. The evidence indicates prioritized increase in gender inequity. Work study programmes and available apprenticeships with commercial firms should be developed, using and promoting new technologies.

39. Making technology more accessible to women involves the dissemination of information on relevant and available technologies, training requirements for such technologies as well as non-discriminatory credit schemes which enable women to acquire new and appropriate technology. This is particularly important for many women entrepreneurs who own and operate small- and medium-scale production units. Women and girls should be encouraged and given access to training in non-traditional areas such as housing construction and related technical fields such as plumbing and electrical training. The promotion of this kind of training should be supported by the development of job opportunities for women within these non-traditional sectors and by an active search for competent women instructors as well as apprentices.

40. Programmes should be developed to guarantee the safety of all children at school as well as safe passage to and from school. Adequate nutrition for all students should be met through school lunch programmes.

41. Literacy and numeracy are vital for the advancement of rural women. Community development workers should be trained to teach literacy, numeracy as well as preventive health and agricultural techniques, along with other subjects found to be needed and appropriate.

42. Although women are increasingly entering traditionally male-dominated fields, only a small proportion of women complete advanced technical training. Equal opportunity for vocational training should be provided to women, including disabled women and girls, to enable full development of their potential.

43. These issues are being discussed at an expert group meeting on gender and education and training organized by the Division for the Advancement of Women, from 10-14 October 1994. The results and recommendations will be presented to the Commission on the Status of Women in 1995 and will be included in the draft Platform for Action for the Fourth World Conference on Women. UNESCO is preparing a global framework for action in support of girls' and women's education. Furthermore, UNESCO is organizing a consultation on education for development for women and out-of-school girls in the LDCs which will take place in Paris in February/March 1995.

C. Peace: women in international decision-making

44. The first review and appraisal of the Nairobi Forward-looking Strategies in 1990 emphasized the importance of women in international decision-making. In

recommendation VI, arising from the first review and contained in paragraph 7 of the annex to its resolution 1990/15, the Economic and Social Council stated that all civil service regulations should have clear statements on practices of recruitment, appointment, promotion and leave entitlements, training and development and other conditions of service.

45. The Economic and Social Council also recommended that Governments, political parties, trade unions and professional and other representative groups should each aim at targets to increase the proportion of women in leadership positions to at least 30 per cent by 1995, with a view to achieving equal representation between women and men by the year 2000, and should institute recruitment and training programmes to prepare women for those positions.

46. It was further recommended that Governments, political parties, trade unions and women's organizations should be encouraged to establish a list of qualified women which could be used to fill vacant positions. The importance of training women in the skills necessary for political and administrative careers should also be recognized.

47. The Economic and Social Council also recommended that the United Nations Secretariat, in cooperation with other institutions and in collaboration with Governments, should further develop and disseminate an accessible database on the composition of the highest decision-making bodies at the national, regional and international levels, disaggregated by sex. The United Nations system could assist national Governments to set up such databases.

48. The Division for the Advancement of Women has developed the above-referenced information on women and international decision-making. The information is being included in the Women's Indicators and Statistics Data Base (WISTAT) and presented in The World's Women: Trends and Statistics.

49. The first review and appraisal of the Nairobi Forward-looking Strategies in 1990 emphasized the importance of women in international decision-making. In recommendation XX, arising from the first review and contained in paragraph 22 of the annex to its resolution 1990/15, the Economic and Social Council stated that Governments should be encouraged to increase the participation of women in the peace process at the decision-making level, including them as part of delegations to negotiate international agreements relating to peace and development and disarmament and establishing a target for the number of women participating in such delegations.

50. The issue of women and international decision-making is part of a broader problem of equal participation of women in the decision-making process which has been discussed by the Commission on the Status of Women in 1989, 1990, 1992 and 1993, as well as in expert group meetings in 1989 and 1991. The outcomes of those discussions and research show that the proportion of women active in legislatures, political parties, trade unions and non-governmental organizations does not reflect their numbers in the electorate nor their role in securing national independence and reconstruction, and contribution to socio-economic development. It also demonstrates women's almost complete exclusion from the ranks of senior decision makers in Governments and national administrative and political structures, especially in the area of peace and security, where

women's activism at the grass-roots level and intellectual contribution to peace research stand in sharp contrast to their absence at the highest echelons of power.

51. UNESCO is preparing, in the framework of its contribution to the Fourth World Conference on Women, a High Level Consultation on "Women's Contribution to the Culture of Peace", planned to take place in May/June 1995, the results of which will be brought to Beijing.

52. Obstacles and barriers to women's participation have been discussed, and measures for improvement suggested. An important conclusion derived from the meetings was that, if women act in solidarity and achieve a "critical mass" of at least 30 per cent in decision-making bodies, they can make a significant impact on the content of decisions, public agendas and political priorities, and they can make the political process more open and participatory. Closing the gender gap in international decision-making bodies also requires appropriate recommendations in policy formulation to enable women to access decision-making positions and the establishment of a targeted recruitment and career development strategy for women. Efforts continue in order to sensitize women graduates to the social, human and professional roles and responsibilities they should be able to assume at all levels.

53. Statistics show that women are largely excluded from decision-making positions in peace and security matters at the national level and at the international level, including the United Nations system. In delegations to the United Nations in New York in 1994, for example, only 22 per cent of the diplomatic staff and only 5 per cent of delegates holding ambassadorial ranks were women. In the missions of 67 Member States there were no women at all. In the United Nations Secretariat, while 31 per cent overall of the professional staff were women, the percentage in senior management only reached 13 per cent. The proportion was lower in departments concerned with peace and security. By giving greater priority to the recruitment and promotion of women, according to established targets and through the implementation of an action programme, the United Nations could serve as a model for change. Research is needed on the obstacles to women's integration into United Nations posts. Improvements can be made through active monitoring by women at the United Nations and by Governments and NGOs. Women should be informed of prevailing quotas and they should work with their own Governments to redress non-compliance. Without the incorporation of action-oriented strategies to advance the status of women in all United Nations agencies, the Organization runs the risk of sending mixed signals to Member States about the commitment of the United Nations regarding the advancement of women.

54. This exclusion has negative consequences. Not only are international norms of equality not achieved, but the world community and individual nations are deprived of the distinct contributions which women could make to the resolution of global problems and international disputes. There is some evidence that, for example, the effectiveness of peace and security operations with a significant civilian component may be enhanced if there is a balance of women and men in the staffing at all levels.

55. The development of accepted doctrine about peace and security has occurred with little participation of women. There are some indications that had women been involved, different priorities might have been set and different approaches suggested. The implementation of the agenda for peace, it can be argued, could benefit from a gender perspective. Young women should be particularly encouraged to prepare for decision-making positions in the international arena.

56. These issues will be discussed at an expert group meeting on women and international decision-making, organized by the Division for the Advancement of Women, to be held tentatively from 5-9 December 1994. The results and recommendations will be presented to the Commission on the Status of Women in 1995 and will be included in the draft Platform for Action for the Fourth World Conference on Women.

III. IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 48/108 ON THE IMPLEMENTATION OF THE NAIROBI FORWARD-LOOKING STRATEGIES FOR THE ADVANCEMENT OF WOMEN

A. Cooperation by the organizations of the United Nations system with the Commission on the Status of Women on the implementation of the Nairobi Forward-looking Strategies

57. In paragraph 5 of its resolution 48/108, the General Assembly reaffirmed the central role of the Commission on the Status of Women in matters related to the advancement of women, and called upon it to continue promoting the implementation of the Forward-looking Strategies to the Year 2000, based on the goals of the United Nations Decade for Women: Equality, Development and Peace and the subtheme "Employment, health and education", and urged all relevant bodies of the United Nations system to cooperate with the Commission in this task.

58. The eighteenth ad hoc Inter-Agency Meeting on Women was convened on 3-4 March 1994, prior to the thirty-eighth session of the Commission on the Status of Women. Discussions centred on preparations for the Fourth World Conference on Women, in particular the preparatory process at the national, regional and global levels, the Platform for Action, and the second Review and Appraisal of the progress made in the implementation of the Nairobi Forward-looking Strategies for the Advancement of Women. A joint statement on the Platform for Action for the Conference was prepared and delivered by the 31 organizations and specialized agencies of the United Nations system at the thirty-eighth session of the Commission. Particular emphasis was placed on the need to have processes, institutional arrangements and financial resources for addressing women's concerns that remain sustainable beyond the Fourth World Conference. It was acknowledged that the Platform for Action should set in motion and ensure, in the long term, the shaping and implementation of a gender-sensitive Agenda for Development.

59. The eighteenth ad hoc Inter-Agency Meeting on Women, as well as the Commission on the Status of Women, have also acknowledged the need for both the Platform for Action and the Fourth World Conference on Women to specifically address issues relating to the status, role, conditions, constraints and

potential of rural women as major producers in the agricultural sector of developing countries. The pervasive poverty of women in the rural sector is exacerbated by increasing migration and increasing productive responsibilities induced by development programmes and national needs for food security. The issues were said to be crucial for the Conference as a specific item for consideration.

60. Proposals were put forward to the Administrative Committee on Coordination concerning the possibility of a regular status for the ad hoc inter-agency meeting as part of the follow-up to the Fourth World Conference on Women and the inclusion of a gender perspective in any efforts of the United Nations to prepare an Agenda for Development. Also discussed were the preparations of reports for the priority themes for the Commission on the Status of Women (1995) and the 1994 World Survey on the Role of Women in Development.

B. Contributions to forthcoming major international conferences

61. In paragraph 6 of resolution 48/108, the General Assembly requested the Commission, when considering the priority theme relating to development during its thirty-eighth and subsequent sessions, to ensure its early contribution to the preparatory work for forthcoming major international conferences, including the International Conference on Population and Development, to be held in 1994, the Fourth World Conference on Women: Action for Equality, Development and Peace, to be held in 1995, and the World Summit for Social Development, to be held in 1995, and to address the impact of technologies on women.

62. During its thirty-eighth session in March 1994, the Commission dealt with population issues in its priority theme under the rubric of development. The Commission's discussions drew on the results of a series of expert group meetings convened for the International Conference on Population and Development that have gender dimensions, including one meeting expressly devoted to population and women. The results of the Commission's deliberations on the theme have been made available for the International Conference on Population and Development, to be held in Cairo. In addition, the Commission adopted resolution 38/6 (see E/1994/27, chap. I, sect. C) on gender equality in population programmes.

63. In the resolution, the Commission reaffirmed the goal of universal access to safe motherhood (prenatal care, childbirth and child development), to family planning and reproductive health services and facilities for those who wish to use them, to assistance in preventing and overcoming infertility, and to full and timely information about all aspects of reproductive health and sexuality.

64. The Commission also reaffirmed the Convention on the Elimination of All Forms of Discrimination against Women 4/ and the principle that men and women have, on the basis of equality, the same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise those rights.

65. During preparations for the Fourth World Conference on Women, a link will be established to other major international events planned for 1995 and 1996

including the commemoration of the fiftieth anniversary of the United Nations, the World Summit for Social Development, the United Nations Year for Tolerance in 1995, and the High-level Intergovernmental Meeting on the Mid-term Global Review of the Programme of Action for the Least Developed Countries for the 1990s. Habitat II, to be held in Istanbul in 1996, will provide an excellent opportunity to demonstrate the decision-making role of women within the human settlement process globally, especially in developing countries. Interrelated themes such as the role of women in global governance, democracy and social and economic development will be introduced on the agenda of all the above events. In this context, special focus is to be placed on rural women during the Fourth World Conference on Women, which should result in the formulation of resolutions for endorsement by United Nations agencies and Governments.

66. UNIFEM submitted a position paper to the Second Substantive Session of the Preparatory Committee for the World Summit for Social Development, as a contribution to addressing the issues of poverty alleviation, productive employment and social integration from a gender perspective. The Summit will serve as bridge between two global conferences of critical importance for the achievement of gender equality, namely the International Conference on Population and Development (ICPD) and the Fourth World Conference on Women (WCW). For the ICPD, UNIFEM efforts are aimed at bringing visibility to the critical linkages between women's economic roles and population policies.

67. During its thirty-eighth session, the Commission adopted resolution 38/5 (see E/1994/27, chap. I, sect. C) on women and development. In the resolution, it urged that Governments foster women's full and equal participation in the elaboration, planning, execution and evaluation of development policies and projects so that they can be the agents and beneficiaries of development.

68. During its third session, held from 26 April to 6 May 1994 in Vienna, the Commission on Crime Prevention and Criminal Justice adopted resolution 3/1. The Commission took into consideration the Convention on the Elimination of All Forms of Discrimination against Women and the Declaration on the Elimination of Violence against Women, General Assembly resolution 48/110 of 20 December 1993 on violence against women migrant workers, Economic and Social Council resolution 1993/26 of 27 July 1993 on violence against women in all its forms, and Commission on Human Rights resolution 1993/46 of 8 March 1993.

69. Paragraph 7 of resolution 3/1 invites both the proposed special rapporteurs and the Special Rapporteur on violence against women to cooperate with the Commission on Crime Prevention and Criminal Justice in the discharge of its functions and to attend the fourth session of the Commission.

70. In paragraph 12 it requested the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders to consider, as separate items, the issues of violence against women and violence against children within the discussions under topic four and in the context of the Workshop on the Prevention of Violent Crime and to proposed recommendations to the Commission in respect of legislation, procedures, policies, practices and technical cooperation and assistance, as well as social services, education and information on this issue.

71. In paragraph 13 it decided to continue its consideration of the question at its fourth session by having its in-session working group examine, as separate items, the issues of violence against women and violence against children in their crime prevention and criminal justice aspects and, more particularly, specific measures which can be taken in this respect, in the light of the international instruments referred to above and the recommendations of the Ninth Congress.

72. Finally, in paragraph 14 it invited the United Nations interregional, regional and affiliated institutes to undertake activities on issues relating to violence against women and children and to submit a report to the Commission on Crime Prevention and Criminal Justice at its fifth session on practical measures that could be taken in the field of crime prevention and criminal justice to combat violence against women and children.

C. Women with special needs: disabled, elderly, migrant and refugee women

73. In paragraph 10 of its resolution 48/108, the General Assembly strongly urged that particular attention be given by the competent United Nations organizations and Governments to the special needs of women with disabilities, elderly women and also women in vulnerable situations such as migrant and refugee women and children.

74. The Standard Rules on the Equalization of Opportunities for Persons with Disabilities, adopted by the General Assembly (resolution 48/96, annex), indicates that special attention should be directed towards women with disabilities in education (Rule 6) as well as in family life and personal integrity (Rule 9) in which context "States should promote measures to change negative attitudes towards marriage, sexuality and parenthood ... especially of girls and women with disabilities". The report of the United Nations Seminar on Disabled Women, held in Vienna from 20-24 August 1990, provides a guide, through its recommendations for action in 22 subject areas, for States and organizations attempting to improve the status of disabled women.

75. Women with disabilities frequently experience dual discrimination: first, because of their sex and second, because of their disability. This discrimination affects all aspects of their lives: education, employment, economic status, marriage and the family, and health care. Equality of opportunity and treatment in employment is a fundamental principle and a basic human right that must apply to all women. In view of this discrimination, the ILO has undertaken measures to promote change by providing women with disabilities greater access to training and employment. In this context, a subregional project for southern Africa has increased the role and visibility of the disabled in mainstream women's organizations and has also created income-generating opportunities for them.

76. Widespread social change has created the preconditions in a number of countries for significant advances in the status of women. Improvements in those countries serve to highlight the neglect of particularly disadvantaged groups of women throughout the region. Of special concern is the lack of social

protection for girls and women among persons with disabilities, international labour migrants and refugees. Of women who are at risk of violence, girls and women with disabilities are the most vulnerable. Emphasis should be given to support self-help organizations and to the participation of girls and women with disabilities in education, training, technical exchange and poverty alleviation programmes. Attention should be paid to issues such as the projected increases in the number of elderly women, as well as the need for equal sharing of family responsibilities between men and women for the care of elderly and disabled members.

77. The Proclamation on Ageing, adopted by the General Assembly (resolution 47/5, annex) urges that, in the context of national cultures and conditions, "policies and programmes are developed which respond to the special characteristics, needs and abilities of older women" and that "older women are given adequate support for their largely unrecognized contributions to the economy and the well-being of society". The global targets on ageing for the year 2001 (A/47/339), adopted by the General Assembly (resolution 47/86), calls for special attention to be given to older women in national income-security schemes or strategies. The Third Review and Appraisal of the Implementation of the International Plan of Action on Ageing (E/CN.5/1993/7) noted that over two thirds of the countries participating in the review had not adopted special measures to support elderly women and widows despite the increased likelihood of older women being economically disadvantaged or widowed. The status of older women in different world regions is explored in the Report of an International Expert Group Meeting on the Integration of Ageing and Elderly Women in Development, held in Vienna in October 1991 (organized jointly by the United Nations and the American Association of Retired Persons). A study entitled "The Situation of Elderly Women: Available Statistics and Indicators" (published in January 1993 jointly by the United Nations International Research and Training Institute for the Advancement of Women (INSTRAW) and the Statistics Division of the United Nations Secretariat) can assist States and organizations wishing to introduce programmes and projects for improving the status of older women.

78. As part of its Programme on Employment and Migration, ILO continues to consider the situation of international and internal migrants. A recent ILO publication, entitled Migration (Geneva, 1992), indicated that, among labour-exporting countries in Asia, women constitute the majority of migrants from the Philippines, Sri Lanka and Indonesia and that they work mainly as domestics, entertainers and nurses. The recent ILO International Forum on Equality for Women in the World of Work identified several strategies for improving the status of female migrants. These include the provision of relevant information to women prior to migration and the extension of national labour legislation to cover migrant workers in their host countries. Networks should be formed by migrant women to protect their interests, supported by NGOs and trade unions.

79. An external evaluation of the implementation of UNHCR's Policy on Refugee Women in the past year confirmed that progress had been made in different field offices. To accelerate implementation, the evaluation stressed the importance of allocating additional resources to address the needs of refugee women, the integration of refugee women's issues into emergency response procedures, the development of a gender-based needs assessment and increased focus on physical protection and expanded gender training.

80. Various steps have already been taken to address these points, and increased emphasis has been placed on field visits to monitor, encourage and support implementation.

81. In 1993, the gender training course, "People Oriented Planning" (POP) was offered in 22 sessions with around 500 participants, including staff from UNHCR and implementing partners in various countries. NGO staff who have been trained as trainers by UNHCR are now conducting their own POP training, further increasing coverage. POP has also been integrated into UNHCR training programmes such as Programme Management, Emergency Management and Protection. In addition to English, French and Spanish, training materials are now available in Khmer, Portuguese and Russian. A new programme handbook, designed to guide staff in using the gender analytic framework in their daily work, has been made available. The focus of training in 1994 will be the development of an indigenous training capacity, which is expected to make POP training more accessible in isolated areas of some UNHCR operations.

82. An emergency stand-by arrangement providing for the rapid deployment of Community Services Officers is expected to address the needs of women in the earliest stages of a refugee crisis. A needs assessment tool with a gender focus is nearing completion.

83. Following reports on the implementation of the Guidelines on Protection of Refugee Women, UNHCR prepared a paper on "Some Aspects of Sexual Violence and Refugee Women" which was positively received by the Executive Committee and resulted in substantive recommendations to prevent and address these problems. These were subsequently reflected in discussions and recommendations by the Commission on the Status of Women and discussed in the joint UNHCR/NGO Partnership in Action (PARINAC) initiative as activities for future implementation. A project addressing particular aspects of sexual violence against refugee women in terms of prevention and follow-up care of victims has been developed and will be observed carefully as a possible model to address similar situations.

84. In preparation for the 1995 World Conference on Women, an extensive network has been developed among Headquarters and field personnel to ensure the necessary coordination. These staff will be contributing information on refugee women for the compilation of national reports, and will be ensuring that issues relevant to refugee women are raised in the preparatory conferences and in the discussion of the Platform for Action.

85. Around half the world's refugees are children. The High Commissioner is concerned that the special needs of refugee children are met through appropriate protection and assistance measures. The International Year of the Family (1994) provides an excellent opportunity to focus attention on the needs of refugee children.

86. A UNHCR Policy on Refugee Children (EC/SCP/82) was presented to the Executive Committee in 1993; it stressed the importance of the United Nations Convention on the Rights of the Child as a normative framework for action. In all action taken concerning refugee children, the best interests of the child

are to be given primary consideration and family unity must be preserved or restored.

87. UNHCR's approach to the protection and care of refugee children has three elements: direct services to the child; helping the child through helping the family; and assisting the child and the family through services to the community.

88. The Guidelines on Refugee Children (A/AC.96/804), introduced in 1988, were reviewed in 1993 in the light of experience gained, as well as of new developments. A draft was circulated amongst Field Offices, implementing partners and relevant agencies within the United Nations systems for comments, and a new version of the Guidelines was distributed in May 1994.

89. Two areas of particular concern to UNHCR are the nutritional well-being of refugee children and their access to education. The most important factor in predisposing refugee children against high mortality during an emergency is to provide adequate food rations. A new Memorandum of Understanding between the World Food Programme (WFP) and UNHCR was recently signed, where a number of provisions aim to improve the health and nutritional status of refugee children. In 1993 the education budget of UNHCR stood at $45 million, including $12 million funded as a result of Special Appeals and through the Emergency Fund. Two concrete examples highlight recent efforts to provide refugee children with education, even in emergency situations. In collaboration with UNICEF, UNESCO and other organizations, UNHCR supported primary and secondary schooling for displaced and refugee children in the former Yugoslavia. This collaboration was also evident in Somalia, where teaching materials developed for UNESCO's "Education for Peace" initiative were used for Somali refugees in countries of asylum, as well as for UNHCR's cross-border operations in Somalia.

90. Children's needs in refugee emergencies are now being assessed with the help of special stand-by arrangements with the NGO, Radda Barnen. These arrangements are designed to ensure that trained community services workers participate in emergency teams which are fielded at the outset of a refugee situation. In the context of a community approach, the needs of refugee children, and especially those of unaccompanied children, will be assessed and addressed. During 1993, community workers participated in emergencies in countries such as Liberia, Rwanda, Uganda and the United Republic of Tanzania.

91. In November 1993, UNIFEM signed a Memorandum of Understanding with UNHCR, committing both organizations to closer cooperation, and to increasing international awareness of the plight of women refugees. The agreement is an outcome on inter-agency collaboration, beginning with the Expert Group Meeting on Refugee Women and Children. The meeting was convened by the Division for the Advancement of Women and attended by the Department of Public Information of the Secretariat, UNHCR and UNIFEM in Vienna in July 1990, in preparation for the priority theme, "Refugees and Displaced Women and Children", of the thirty-fifth session of the United Nations Commission on the Status of Women in February/ March 1991. UNHCR and UNIFEM have been coordinating their efforts so that refugee and displaced women have greater access to relief, repatriation and development assistance programmes. UNIFEM is supporting skills training and income-generating projects for refugee women returning to their places of origin

in Central America and Africa. In 1993, UNIFEM developed the "African Women in Crisis Umbrella Programme" to respond to the urgent need for assistance to a growing number of refugee women and children in Ghana, Côte d'Ivoire, Liberia, Uganda, Kenya, Somalia, Mozambique and Zimbabwe.

92. Through its close association with UNDP, UNIFEM has been able to contribute to the development of the Disaster Management Programme and its operational guidelines. UNIFEM is funding a post in the Department of Humanitarian Affairs of the Secretariat to ensure that United Nations policy consider women's needs and voice.

93. In 1993, the Fund initiated its Women's Human Rights Programme. In conjunction with Canada and the Netherlands, UNIFEM funded women's participation in the World Conference on Human Rights in Vienna in June 1993. UNIFEM convened a pre-conference seminar, which proposed strategies for ending violence against women. As a result of women's participation at the World Conference, the issue of women's human rights was included in the final document for the first time.

D. Sustainable development

94. In paragraph 12 of its resolution 48/108, the General Assembly welcomed the recommendations adopted at the United Nations Conference on Environment and Development on women, environment and development in all programme areas, in particular those set out in chapter 24 of Agenda 21, entitled "Global action for women towards sustainable and equitable development". It also urged organs, organizations and bodies of the United Nations to ensure active participation of women in the planning and implementation of programmes for sustainable development.

95. According to chapter 7 of Agenda 21, the role of women should be enhanced. There would be no sustainable human settlement development without the active, often invisible role of women. Women have been, and are, participants and leaders in civil society. Through their struggle for a better, healthier living environment for their families, they have created organizations to fight for the right to housing, clean water, environmentally safe energy, personal security and community services such as schools, health clinics and cultural centres. As a result, women have gained recognition and empowerment.

96. The report of the Secretary-General on effective mobilization for development noted that a necessary condition for achieving sustainable development is the advancement of women (A/48/393, para. 50). It has been widely demonstrated that, when women achieve equality with men, they contribute to an improvement of the environment as well as social, political and economic life. Gender equality and sustainable development must be attained through the self-empowerment of women, a process in which women learn of their rights and assert them at the household, community, national and international levels. Gender equality involves modifying the gender roles of men, a redistribution of the reproductive and productive work so that it is shared evenly, and reforming private and public institutions.

97. The report suggested that the review of Agenda 21 of the Commission on Sustainable Development should include indicators of progress towards sustainable development based on gender relations and analyse the ways these relations influence environmental concerns. In order to fully understand the links between gender and sustainable development, research should be conducted on the complex interaction between environmental and socio-economic factors, including gender relations. Research should focus on the links between gender, access to education and employment, resource allocation and distribution, health and the environment.

98. In the reports presented to the Commission on Sustainable Development at its second session, mention was made of women as one of the major groups. However, the role and contribution of women was not discussed outside that context. The most important environmental issues for concern have been identified as the need to distribute environmental resources within the household and within society between the rich and poor, with particular attention to the entitlement and access to these resources, including ownership of land, by women; the need to address the marginalization of women resulting from technology in general and the Green Revolution in particular; the need to recognize women as the custodians of traditional knowledge and practices; and the need to promote greater gender sensitivity in both men and women, particularly in relation to national legislation.

99. UNESCO is underlining the importance of the cultural dimension of development, and is presently preparing a publication on "Women, Culture and Development".

100. The development of databases with gender-specific indicators should be pursued. Educational materials on the state of the environment should be prepared for reflecting the contribution of women as custodians of traditional skills and knowledge and natural resource managers, highlighting their concern for a diverse set of environmental issues including pollution, deforestation, solid waste and hazardous waste management in both a rural and urban environmental context.

101. The contribution of women in industry, i.e. the manufacturing sector, to the overall socio-economic development of their countries cannot be overemphasized. There are about 200 million women in the world who work either as workers or entrepreneurs in this sector. As one of the major groups instrumental for sustainable development, women should be empowered legally and economically so that they can participate in and benefit from development on an equal basis as men. A non-discriminatory enabling environment in the private sector allowing women to undertake productive ventures, sub-sector specific technical training as well as entrepreneurship development programmes supported by credit facilities would improve substantially women's contribution to sustainable development.

102. The role of rural women as major actors in sustainable agricultural production, natural resource management and food security will require more than stated acknowledgement but establishment of specific mechanisms, ranging from the legal to the technological, to ensure their access to social and economic

benefits from national and international policies and programmes in rural development.

103. ILO has prepared a Briefing Note on Women in Environment and Development. Furthermore, it is finalizing a special discussion booklet highlighting the importance of integrating a gender perspective into all environment and sustainable development activities. The booklet is designed to facilitate group discussion by women and men in both developing and developed countries.

104. ILO has also launched several pilot projects dealing with women, the environment and sustainable development. Projects in Bangladesh and Ghana disseminate technologies to women's groups which are environmentally safe and which create employment, empower women, reduce workloads, and diminish poverty. In India, two pilot projects have strengthened rural women's organizations and enabled women to collectively regenerate environmentally degraded land, thereby promoting employment, reducing poverty and promoting sustainable development. The pilot experiences in India have led to policy discussions at the national level, as summarized in the publication, Women and Wasteland Development in India. The monograph sheds light on the impact of environmental degradation on women and presents varied experiences of women's participation in wasteland development and recommends policies and measures to increase women's access to and control over wasteland and forests.

105. In keeping with the UNIFEM strategy towards the United Nations Conference on Environment and Development (UNCED) in 1992 and Agenda 21, UNIFEM has continued to raise awareness for women, environment and development (WED) at the decision-making level and has strengthened operational activities at the grass-roots level. UNIFEM has assisted UNDP in integrating gender in the Capacity 21 Programme.

106. In May 1993, the Fund published the "UNIFEM Gender, Environment and Development Guide", providing technical guidelines to strengthen gender, environment and development components in all phases of the project cycle. In October 1993, UNIFEM co-sponsored a three-day international consultation on "Women and Ecosystem Management", with the Inter-American Development Bank, UNDP and the United Nations Sudano-Sahelian Office (UNSO) convened by UNEP and the World Bank.

107. In preparation for the First Global United Nations Conference on the Sustainable Development of Small Island Developing States (SD/SIDS), held in Barbados in July 1994, UNIFEM, with funding from Sweden, sponsored subregional conferences, where the SD/SIDS draft Programme of Action was reviewed and modified. As a result, gender specific recommendations were incorporated into the final Programme of Action document. At the parallel NGO Forum in Barbados, the Fund also supported the Women's Tent, a workshop on "Women and Sustainable Development" organized by DAWN/WAND, and a two-day "Women and Environment" workshop organized by the WorldWIDE Network of Women in the Environment.

E. Public information

108. In paragraph 18 of its resolution 48/108, the General Assembly requested the Secretary-General to continue to provide for the existing weekly radio programmes on women in the regular budget of the United Nations, making adequate provisions for broadcasts in different languages, and to develop the focal point for issues relating to women in the Department of Public Information of the Secretariat, which, in concert with the Department for Policy Coordination and Sustainable Development should provide a more effective public information programme relating to the advancement of women.

109. During the past 12 months, the activities of the Department of Public Information relating to the advancement of women have focused on publicizing preparations for the Fourth World Conference on Women and the issues to be addressed by the Conference. The public information strategy for the Conference, reported on in last year's report of the Secretary-General, is being implemented, and a Departmental Focal Point has been established within the Division for Promotion and Public Services to coordinate departmental activities. The Department is also coordinating information activities of the United Nations system relating to the Conference through the mechanism of the Joint United Nations Information Committee (JUNIC) for which the Department acts as secretariat. The worldwide network of 67 United Nations Information Centres (UNIC) have been alerted to the importance of publicizing the preparatory process for the Conference and in generating interest and awareness at the national level of the issues to be addressed by it. Many UNICs have already undertaken activities to promote the Conference, including the production and distribution of informational material in local languages, utilizing seed money provided by the Department for that purpose. Copies of the Nairobi Forward-looking Strategies, the Convention on the Elimination of All Forms of Discrimination against Women and the Declaration on Violence against Women are being distributed in all six official languages, along with special information products such as press releases, backgrounders and fact sheets.

110. The Department's 15-minute radio programme, "Women", continues to be produced weekly in English and distributed to 400 radio stations worldwide, and twice monthly in Arabic, French and Spanish, distributed to 500 radio stations globally.

Notes

1/ Report of the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace, Nairobi, 15-26 July 1985 (United Nations publication, Sales No. E.85.IV.10), chap. I, sect. A.

2/ See I. Parikh, "Perspectives on Training Women Managers in Africa", ILO Training Discussion Papers, No. 75, Geneva, 1991.

3/ See E. Date-Bah, "Women's Empowerment in Trade Unions: Recent Data from the ILO Interdepartmental Project on Equality for Women in Employment", Labour Education, 90, 1993/1, ILO, Geneva.

4/ See Official Records of the Economic and Social Council, 1991, Supplement No. 8 (E/1991/28).

UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/49/350
30 August 1994

ORIGINAL: ENGLISH

Forty-ninth session
Item 99 of the provisional agenda*

CRIME PREVENTION AND CRIMINAL JUSTICE

Measures to combat alien-smuggling

Report of the Secretary-General

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I. INTRODUCTION

1. The present report of the Secretary-General has been prepared in accordance with General Assembly resolution 48/102 of 20 December 1993, entitled "Prevention of the smuggling of aliens", in which, inter alia, the Assembly invited Member States and relevant specialized agencies and intergovernmental organizations to report to the Secretary-General on the measures taken to combat the smuggling of aliens and requested the Secretary-General to report thereon to the General Assembly. The Assembly also requested the Commission on Crime Prevention and Criminal Justice, at its third session, to consider giving special attention to the question of alien smuggling "in order to encourage international cooperation to address this problem within the framework of its mandate".

2. Accordingly, the Commission on Crime Prevention and Criminal Justice, at its third session in 1994, discussed the matter under its agenda item 3, entitled "Review of priority themes". The Commission considered alien smuggling to be a matter of grave concern for many Governments, especially those of source, transit or destination States. Hundreds of thousands of people were being transported illegally. They were subjected to life-threatening conditions during transit, and upon arrival they were forced into indentured servitude or criminal activities in order to pay the smugglers. The smugglers violated domestic and international law, participated in extortion and murder and used the profits from such activities to finance other crimes. The Commission believed that criminal legislation to combat the practice should be enacted and enforced and that the Commission should give priority attention to the problem, with a view to promoting more effective international cooperation. 1/ At the end of its deliberations, the Commission recommended for adoption by the Economic and Social Council a draft resolution entitled "Criminal justice action to combat the organized smuggling of illegal migrants across national borders". 2/

3. The Council acted on the Commission's recommendations on 25 July 1994, adopting the proposed draft resolution as resolution 1994/14. Noting that the "ever-growing problem of organized smuggling of illegal migrants requires the continuing scrutiny of the international community in general and should be considered by the Commission on Crime Prevention and Criminal Justice at its fourth session in the context of the broader problem of organized transnational crime", the Council condemned the practice of the smuggling of illegal migrants, recognized that such smuggling was a widespread international criminal activity and acknowledged the substantial role played by organized transnational crime in that activity. Furthermore, it reaffirmed the need for fully observing international and national law in dealing when the problem and requested States to share information, coordinate law-enforcement activity and cooperate in order to trace and arrest those who organize such smuggling. Lastly, the Council encouraged Member States, relevant specialized agencies and intergovernmental organizations to respond to the General Assembly's invitation, contained in resolution 48/102 and report to the Secretary-General on the measures taken to combat alien-smuggling in sufficient time for their contributions to be included in the report to the General Assembly at its forty-ninth session.

II. BACKGROUND AND SCOPE

4. The Economic and Social Council, in its resolution 1994/14, condemned the practice of smuggling illegal migrants in violation of international standards and national law, and without regard for the safety, well-being and human rights of the migrants; furthermore, it called upon all States to take effective and expeditious measures, such as the enactment or amendment if necessary of domestic criminal law, providing appropriate penalties to combat all aspects of organized crime activities constituting the smuggling of illegal migrants, including all elements of the organization of smuggling and transport of illegal migrants, such as the production or distribution of false travel documents, money laundering, systematic extortion and misuse of international commercial aviation and maritime transport, in violation of international standards.

5. The smuggling of illegal immigrants has become a highly organized global criminal activity, involving international criminal organizations which may earn billions of dollars in illicit revenues. Alien-smuggling involves the illegal movement of hundreds of thousands of persons from their countries of origin by criminal gangs, through various transit States to recipient countries for profit. Illegal immigrants endure dangers and inhumane treatment, lives are lost and there is great human suffering. This trade in human cargo often ends with the illegal immigrants' being forced into indentured servitude or criminal activities in order to repay the cost of their passage.

6. Alien-smuggling involves nearly all countries as the source State, transit State, flag State of the means of transport or State of destination for smuggling operations. Smugglers operate world wide by air, land and sea, often changing the mode of transport several times between the country of origin and the country of destination. At each point en route, alien-smugglers operate in violation of domestic and international law. Smugglers transport their human cargo on commercial airlines, violating land borders, abusing ship registries and violating flag-State regulations.

7. Air-carrier smuggling operations are accomplished through the use of false documentation, including counterfeit or stolen passports and counterfeit visas. Blank, unissued passports are stolen from passport-issuing authorities around the world. Issued passports are stolen from tourists and travel agencies, and corrupt officials provide passports to smuggling rings. A major problem for many countries is that smugglers obtain valid passports and foreign visas for their clients with fraudulent business invitations from non-existent companies in third countries and that corrupt foreign consuls sell visas to smugglers. There is also a problem of smuggled aliens being added to legitimate delegations by corrupt officials or travel agencies.

8. Air smuggling routes are flexible and frequently shift in response to the pressures of immigration inspection and enforcement of immigration regulations. Such routes can be extremely complicated. One documented air route spans five regions of the globe. A principal factor contributing to the rise of air smuggling is that inspection of transit passengers is often insufficient to detect smuggled migrants. Smuggling organizations frequently facilitate the onward travel of their clients by switching documents, tickets and boarding

passes in the transit lounges of international airports. Such practices are often abetted by corrupt immigration and airline personnel.

9. Mass alien-smuggling by sea reduces the risks and maximizes the profits of the smugglers. The use of ocean-going vessels places more illegal immigrants in a single venture, removes the need for travel documents and reduces the need for bribes or the possibility of interdiction, as the illegal aliens do not pass through immigration checkpoints.

10. The smuggling of illegal aliens is perceived by criminal organizations as a low-risk, high-profit activity. Smuggling is usually handled by ethnically organized crime groups which are supplementing their traditional criminal enterprises, including illicit trafficking in drugs, with alien-smuggling. In transporting illegal immigrants through transit countries, the smuggling organizations rely upon local criminal elements which supply documents, safe houses and contacts to facilitate smuggling operations. Alien-smuggling is seen by legally resident businesses in third countries as a source of cheap labour for restaurants, "sweat shops" and factories. Illegal immigrants are also utilized as foot-soldiers for criminal organizations or forced into prostitution.

11. Despite the well-publicized cases of alien-smuggling in the news media, the real dimensions and impact of illegal trafficking in aliens remains unknown. Nor is there a clear understanding of its impact, i.e. of the extent to which illegal immigrants may contribute to or affect the economies of the countries they travel to and of any connection which may exist between that phenomenon and other illegal activities, such as drug trafficking, prostitution and forgery. The effects of the inhumane treatment of the migrants themselves, e.g. on overcrowded ships or in sealed containers, as well as possible exploitation or maltreatment on arrival to their destination, also may not yet be fully appreciated.

12. For example, during the period from September 1993 to April 1994, the International Organization for Migration (IOM) has documented 44 incidents of illegal trafficking of aliens which were reported in the international and national news media as having been intercepted. They generally involved the transport of nationals from developing countries in different regions to developed Western countries. The groups involved in those incidents varied from small groups of 4 to 10 to groups of over 100 persons. However, unconfirmed reports in the media suggested that far higher numbers of illegal immigrants could be trafficked each year. For example, it was estimated that 10,000 women a year were smuggled between Asian countries for purposes of prostitution. 3/ In the South American region, it was estimated that 150 networks trafficking in migrants could be able to transport some 300,000 persons to the United States of America each year. 3/

13. Many national legislatures are taking new measures to reduce the illegal trafficking in migrants. These include the criminalization of migrant-trafficking in source countries, more stringent visa requirements in transit countries, and in countries of destination the establishment of tighter frontier controls, the imposition of sanctions against employers of trafficked migrants,

the negotiation of readmission agreements with source countries and the examination of ways to enhance international police cooperation.

14. A number of regional and interregional bodies have also considered the issue of illegal smuggling of aliens. In the region of Asia and the Pacific, for example, the Regional Preparatory Meeting for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Bangkok from 17 to 21 January 1994, considered this matter, noting that trafficking in migrants was an activity in which organized criminal groups were engaged. While this was not a new phenomenon, the dramatic fall of barriers since the end of the cold war, coupled with increased knowledge of income disparities and with the demand for cheap labour in more developed countries, had greatly increased such trafficking in recent years. Trafficking in migrants was a major disruption of the orderly flows of migrants which were based on the needs of both sending and receiving countries, and it encouraged the anti-migrant backlash currently emerging in many countries. 4/

15. Similarly, the European Regional Preparatory Meeting for the Ninth United Nations Congress, held at Vienna from 28 February to 4 March 1994, recommended in its conclusions that the Ninth Congress should seek to identify new forms of national and transnational economic and organized crime, which, inter alia, already include illicit migration. It was noted that the free flow of people, goods, services and capital and the contemporary efforts to increase regional integration were being taken advantage of and abused by organized criminal groups that identified new opportunities and expanded their operations across frontiers into new markets. In that context, there was widespread concern over the involvement of such groups in the illegal smuggling of aliens. 5/

16. The Council of Central American Interior Ministers agreed in February 1993 to recommend to their Presidents that trafficking in migrants should be criminalized and made punishable by imprisonment, with increased penalties for public officials or employees. 3/

17. The Conference on Uncontrolled Migration over the Baltic Sea, which met at Stockholm on 25 and 26 January 1994, concluded that it was important to combat illegal migration by legal actions targeted at the smuggling of persons, by readmission agreements and by measures against transporters of illegal migrants. The Conference, convened in 1993 by the Swedish Foreign Ministry, includes Scandinavian and Baltic countries, as well as a number of Eastern European countries, IOM and the Office of the United Nations High Commissioner for Refugees (UNHCR). 6/

18. The Fifth Conference of European Ministers Responsible for Migration Affairs, organized by the Council of Europe and held at Athens on 18 and 19 November 1993, highlighted the need to strengthen international cooperation in combating clandestine immigration networks, especially when they were linked to organized crime. The Ministers also called for stepped-up measures against employers of clandestine workers. 6/

19. In November 1993, the Council of the European Union, at its meeting on Justice and Internal Affairs, supported recommendations addressed to its member States to intensify regional efforts against trafficking in human beings for

work as prostitutes. The recommendations called for enhancing police training on anti-trafficking legislation and improving police work; improving the collection and exchange of relevant information nationally and internationally; finding ways to expand awareness among diplomatic, consular and frontier officials concerning trafficking for prostitution, so as to stem that traffic by examining visa requests; and strengthening the Council's work on trafficking for prostitution in terms of administrative, police and judicial cooperation, as well as understanding its migration elements. 6/

III. REPORTED DEVELOPMENTS

20. In his communication to Member States, via notes verbales dated 10 February and 9 June 1994, the Secretary-General inquired about the steps taken by Governments to give effect inter alia to General Assembly resolution 48/102. A similar communication was transmitted to relevant international organizations and United Nations bodies. As at 12 August 1994, the Secretary-General had received information from 26 Governments, namely, those of Antigua and Barbuda, Austria, Bahrain, Belarus, Bulgaria, Burkina Faso, Canada, China, Costa Rica, the Czech Republic, Denmark, Finland, Hungary, Japan, Jordan, Luxembourg, Malta, Monaco, Norway, Panama, Sweden, Switzerland, the Syrian Arab Republic, Turkey, Ukraine and the United States, as well as the UNHCR, the International Civil Aviation Organization (ICAO), the International Maritime Organization (IMO) and IOM. The relevant parts of that information are summarized below.

21. Antigua and Barbuda considered alien-smuggling a global problem that had reached alarming proportions, although reporting that it had not yet been confronted with such a problem. Nevertheless, the Government had adopted extradition legislation in anticipation of alien-smuggling in its territory, with appropriate training being provided to its personnel on this matter. The law mandated harsh punishment for offenders who placed human life at risk in the country's territorial waters.

22. Alien-smuggling in Austria has increased significantly in recent years. The brutality of the smugglers and the unscrupulous procedures being employed in this organized form of criminal activity had escalated, 351 smugglers of aliens were arrested in 1993, in incidents involving 2,091 smuggled persons. During the first three months of 1994, 148 smugglers were detained.

23. In order to combat the activities of smugglers of aliens, Austria has taken the following steps: (a) amendment of the penal code; (b) training of law-enforcement officials; (c) preventive measures taken by regional security directorates; and (d) establishment of border-protection police. The amended penal code, which is expected to enter into force on 1 January 1995, provides a penalty of up to five years' imprisonment for alien-smuggling. Under the present alien law, alien-smuggling is subject to a maximum penalty of imprisonment for one year.

24. The Government of Austria has also provided training to law-enforcement personnel with a view to improving their response to this crime. Preventive measures which have been instituted in all provinces of Austria include increased surveillance of frontier areas, improved cooperation between various

law-enforcement agencies and with appropriate agencies of neighbouring States, increased control of other establishments and formation of a frontier-protection police force of 4,000 officers.

25. In Bahrain the competent authorities are dealing with the problem of alien smuggling in connection with measures to prevent narcotics smuggling operations. As a result, the problem is now under control, and has not worsened in that country. The Government of Bahrain has expressed its support for the efforts of the United Nations, and in particular the crime prevention and criminal justice programme, in this context.

26. Belarus reported that the number of attempts to violate its frontier by entering or leaving the country using fraudulent documents had increased considerably in recent years. Those attempts involved mostly nationals of neighbouring countries. The principal methods of combating such activities included the repatriation of offenders, their prosecution on administrative charges or their transfer to the neighbouring country's frontier controls. The offenders were also subject to criminal prosecution if the authorities had enough evidence. In order to prevent such cases of violations of the frontier, consideration was being given to increasing the powers of law-enforcement agencies and intensifying surveillance of frontier areas.

27. In Bulgaria, article 279 of the penal code provides that anyone who enters or leaves the country without proper permission from the appropriate authorities is subject to imprisonment for up to five years or a fine. Preparing to commit such an offence is also a crime, punishable by imprisonment for up to two years or a sentence of reformatory labour. These provisions apply to both Bulgarians and foreign citizens. However, the Constitution protects anyone who enters the country seeking asylum. The relevant laws and regulations are administered by the Minister of the Interior and the Minister for Foreign Affairs.

28. The conditions to be observed by foreigners entering, staying in or leaving Bulgaria are published in issue 93/72 of the State law gazette. The relevant regulations provide for fines to be imposed on foreigners who use invalid identity documents, who, being the owner, master or crew member of a vessel, do not observe the frontier controls at ports, who visit a prohibited zone in a frontier or other area without permission or who grossly violate controls within checkpoints in frontier zones. The rights and obligations of foreigners staying in Bulgaria and the conditions of their expulsion are also specified by law.

29. Burkina Faso has long experienced immigration. To prevent alien-smuggling, the Government signed the Agreement on the Free Movement of Persons and Right of Establishment of 27 October 1978 between the States members of the Economic Community of West African States (ECOWAS). Article 1 of that Agreement states that citizens of member States may, subject to requirements relating to law and order, public safety and health, enter the territory of any other member State, remain in it and leave it on presentation of a valid passport, identity card, driving licence, safe conduct, laissez-passer or other travel document. It was believed that, by regulating the movement of nationals of States belonging to ECOWAS in that manner, the incidence of the illegal smuggling of aliens between member States would be reduced, permitting the legal movement of persons between

those countries. It was suggested, however, that the social and economic factors giving rise to migration should also be addressed.

30. In Canada the criminal provisions of the Immigration Act which relate to smuggling were amended and enhanced on 1 February 1993. The penalty following conviction on indictment for organizing the entry into Canada of illegal migrants was increased from a fine of $10,000 or five years' imprisonment, to a $100,000 fine or five years' imprisonment, and the penalty on summary conviction was increased from a $2,000 fine and six months' imprisonment to a $10,000 fine and one year's imprisonment. The authority of migration officers to seize documents which were fraudulently obtained, or which may be fraudulently used, was also expanded.

31. Criminal legislation was adopted to require transport companies: (a) to detain and guard persons who are rejected from or allowed to leave Canada, or who refuse to board a means of transport; (b) to convey a person who is under a removal order, rejection order or other immigration order; (c) to present passengers to an immigration officer for examination upon arrival in Canada; (d) to detain on any vehicle persons not seeking entry to Canada or who are rejected or allowed to leave Canada; and (e) to comply with a detention order issued by an immigration officer.

32. The penalty for carrying an improperly documented person to Canada was changed by the new immigration legislation of 1 February 1993 to an "administration fee". The fee is imposed when the improperly documented person is inadmissible to the country and is subject to an inquiry process, thereby representing a substantial cost to the State. In order to recognize the efforts of carriers who are prepared to make undertakings concerning screening procedures and to cooperate with immigration authorities, Canada Immigration may provide, in memorandums of understanding, standards which, if met, can reduce the amount of the fee in the event of violations. The legislation now provides for the seizure of vehicles where fees for bringing improperly documented passengers to Canada are not paid.

33. Under proposed legislation, customs inspectors would be provided with the necessary authority to seize and examine travel and identification documents which are uncovered in the normal course of inspection of mail. Persons importing or exporting travel or identity documents in order to contravene the Immigration Act would also be criminally prosecuted.

34. In order to track patterns of illegal migration to Canada, the Government implemented in 1990 an automated document-imaging and data-retrieval system which tracks the arrival of improperly documented persons at major Canadian airports and monitors the movement of such travellers intercepted abroad. The system is currently being expanded to receive reports on improperly documented arrivals at Canadian land frontiers and on selected cases of persons apprehended inland. The resulting data are analysed to determine the methodologies and routing used by smugglers and their clientele. The Canadian Government also maintains an international network of immigration-control officers which bases its operations on those data, cooperating with airlines and foreign authorities to intercept illegal migratory movement to and through Canadian territory.

35. In Canada there is now mandatory training for airline companies, carried out by immigration-control officers, to assist airlines in meeting the requirements of the Immigration Act. Those officers are stationed at posts abroad and are dedicated to enforcement activities, including gathering and distributing information concerning illegal movements and smuggling.

36. There is currently a significant movement of stowaways to Canada. Canadian officials have liaised with shipping companies to improve the screening of containers. Canada's contribution to remedying the situation has been to assist in the development and enhancement of carbon dioxide detectors to determine whether stowaways are inside containers and to provide such detectors to shipping companies at the expense of the Canadian Government. In response to Canadian initiative, shipping companies have increased port security and providing better fencing around port facilities.

37. Canada provides professional support to and participates in the efforts of multinational organizations such as the International Air Transport Association, IOM and the International Criminal Police Organization (INTERPOL) to share information regarding illegal migratory trends and methods. Publications are distributed to national and international partners. In addition, Canada responds to requests for assistance in the investigation and prosecution of smuggling activity or incidents within and outside Canada.

38. The Government of Canada believes that anti-smuggling measures should not inhibit or affect legal migration. The purpose of training airline and local control authorities in the detection of counterfeit and altered documentation is to facilitate legitimate movements to Canada, while screening out improperly documented passengers and thus frustrating organized smuggling.

39. Until the mid-1980s, China recorded very few cases of organized smuggling of persons, although in recent years such criminal activities have become prevalent in some coastal areas. According to the information available, most organized smuggling has been carried on by groups outside China.

40. The Statute of the People's Republic of China on the Control of Citizens Entering and Leaving China, introduced in 1986, and the Statute on the Control of Foreign Nationals Entering and Leaving China provide for entry and exit procedures, as well as for the punishment of illegal entry with penalties, such as detention or fines. With regard to illegally crossing national frontiers and to transporting others, or arranging their transport, across such borders, the criminal law in China provides, in serious cases, for prison sentences of not more than one year, detention or public surveillance. It is also stipulated that whoever, for the purpose of profit, makes arrangements or provides transport for others to cross the country's borders (or certain border areas) illegally shall be sentenced to imprisonment for not more than five years or to detention, or to public surveillance, and may concurrently be punished with a fine. To punish even more severely the criminals who transport others illegally across the border or organize such transport, the Standing Committee of the National People's Congress enacted on 5 March 1994 the Supplementary Rules on the Punishment of the Crime of Organizing and Carrying Out the Transport of Others to Cross the Borders of the Country (or Certain Border Areas) Illegally as a supplement to the existing criminal law to increase the maximum punishment.

41. The Chinese Government attaches great importance to the issue of illegal immigration and has inter alia adopted the following measures:

(a) The media have been mobilized to carry out an in-depth, sustained and extensive information campaign and law-awareness education programme. The aim is to make people aware of the danger and risk of smuggling activities and, as a result, to persuade them to comply with the law and combat illegal immigration;

(b) A strengthened comprehensive approach has been adopted to tackle the issue, and severe punishment measures have been taken against the organizers of smuggling activities. To that end, operations with specific objectives have been carried out and joint efforts among the armed forces, police and civilians have been strengthened, bringing enhanced capabilities in prevention and control;

(c) Inspections at ports in China have been strengthened. Examination of the passports of persons leaving the country, with a view to verifying the authenticity and validity of the visa for the country of destination, is a special measure taken to prevent illegal immigration. Efforts are also being made to ensure better training and equipment for inspection personnel at the frontier and to follow closely any new developments in smuggling activities and take measures accordingly;

(d) The management of vessels in coastal areas has been strengthened, and a management system for vessels, fishing boats and fishermen going out to sea has been established and improved. In order to combat smuggling activities, control over key areas along the coast and border has been tightened.

42. On the issue of the repatriation of Chinese nationals who have illegally immigrated into other countries, the Chinese Government has a policy of cooperation with the countries concerned and accepts those persons who are confirmed to be Chinese nationals from the mainland.

43. A new development in recent years is the illegal immigration of foreign nationals into China. In 1993, more than 2,000 foreign nationals were apprehended for illegal entry or exit. Most of them had no papers of any kind, and a few were holding forged or altered documents. In the past few years, China has deported more than 20,000 foreign nationals who had illegally entered the country. In some cases those persons had engaged in criminal activities, such as fraud and theft.

44. The Chinese Government maintains that since the issue of illegal immigration is an international one, every Government should take measures for effectively preventing and combating it, in order to maintain world peace and stability. International cooperation should be considered a critical link in the fight against illegal immigration and should be strengthened in the fields of information exchange, provision and verification of evidence concerning criminal investigation, and extradition.

45. In Costa Rica there are a number of individuals and groups who specialize in traffic in persons and in evading migration controls. Traditionally the countries of Central America have been a "bridge" towards the United States for

persons both from South and Central America and from other continents who were travelling north to seek better opportunities. The Central American Commission on Migration (OCAM), composed of the heads of the Migration Directorates in the region, has discussed and analysed ways of resolving the problem, which include a project to modernize the Migration Directorates, train officials and provide technical resources to assist control activities. A seminar on "International Migration, its Impact in Central America" was held at San Jose in May 1992 with the participation of all the heads of Migration Directorates in the region. The legal advisers to the Directorates also prepared a report on "Policy for the Control of Migration Flows in Central America" in May 1992, the recommendations of which were accepted and implemented. Some of the main conclusions of that meeting are summarized in paragraphs 47-49 below.

46. Under agreements concluded between Costa Rica and two neighbouring countries, Costa Rica's rejection of any aliens seeking to use its territory as a bridge will be supported by those neighbouring countries. There is also a bill on migration in Costa Rica which is currently before the Legislative Assembly. Article 200 of that bill provides that anyone who organizes the landing or entry of an alien in or into Costa Rican territory in a clandestine manner shall be punished by imprisonment for a term of between one and three years. Article 201 provides that any enterprise, organization or person that organizes, facilitates or participates in the clandestine departure of Costa Rican nationals or aliens from Costa Rica shall be punished by imprisonment for between one and three years.

47. The illegal traffic in aliens, brought about by a number of economic, social and political factors, not only affected the target country but also triggered a chain of repercussions for other countries, transit areas for large numbers of illegal migrants who, in their efforts to go north, use methods that affect the social and economic order in general. While Central Americans have had some involvement in the illegal northwards traffic, the countries of the region suffer mainly from the consequences of the illegal transit of migrants originating mostly in South America, the Caribbean and Asia. Many groups of illegal migrants pass through Central America en route to the United States and Canada, stopping off in Belize or Mexico. The journey through Central America is effected illegally, making use of points where there is no migration control and relying on the services of unscrupulous individuals (popularly known as coyotes (prairie wolves) or polleros (chicken-breeders) who carry on illegal traffic in persons and charge large sums of money.

48. The fraudulent methods most often used to travel through Central America are: (a) presentation of false papers (passports, visas, tickets, etc); (b) bribing of governmental officials and employees in the countries of origin, transit and destination; and (c) passage through "blind spots" where there are no migration-control posts, using pirate vessels or mountain guides controlled by international traffickers supported by national traffickers.

49. It was considered difficult for the Central American countries acting alone to resolve the problem of alien-smuggling, since they lack the necessary human and financial resources. In many cases, their legislation does not classify as criminal the activities of the traffickers in illegal immigrants, a fact which has enabled them to operate with impunity. In addition, different countries use

different approaches to the application of administrative measures as a solution to the problem arising when illegal immigration has been detected. It was therefore considered necessary that the countries should apply uniform measures criminalizing alien-smuggling and should join forces in preventing such abuses.

50. The Czech Republic, through the Immigration Police, is tightening the procedures for the issuing of visas for that country and is adopting a stricter attitude towards firms employing staff from different countries. Czech visa requirements currently permit aliens to obtain permission for a long-term stay merely by stating that such a stay is necessary for business reasons or by obtaining an invitation from a company to stay in the country. This has led to abuses by persons entering the country on false pretences and then leaving for Western Europe as illegal immigrants. Often their identity documents and visa are retained in the Republic and falsified for other illegal immigrants entering the country, for example by exchanging photographs.

51. Measures suggested by the Czech Republic to control alien smuggling would include the following:

(a) Clear identification of persons given permission for a long-term stay should be kept on official files;

(b) Persons given permission for a long-term stay could leave with officials a sum of money as a deposit, which would correspond to the costs of a possible expulsion. If the alien left voluntarily, the deposited money would be refunded by the Ministry of Foreign Affairs;

(c) Investigation and prosecution of organized-crime groups within countries would be a most effective means of preventing the illegal smuggling of aliens. This could, however, prove difficult where suspects speak a foreign language; moreover, participants in alien-smuggling rings are well paid and therefore less likely to cooperate with law-enforcement agencies. Effective methods for combating this form of organized crime should therefore be developed by law-enforcement agencies, including approaches to the gathering of evidence and information;

(d) International standards for procedures aimed at preventing the organized smuggling of illegal immigrants and similar immigration abuses could be developed and adopted nationally.

52. In order to prevent alien-smuggling, Denmark has undertaken navy and police cooperation with neighbouring countries and other countries in nearby regions, particularly the Baltic countries. Legislation has also been enacted to punish any person transporting aliens who are not in possession of proper travel documents and identification papers.

53. Furthermore, Denmark participates actively in a number of international arrangements for cooperation relevant to the issue of alien-smuggling, including inter alia the general border control cooperation arrangements of the European Union, the Berlin and Budapest ministerial conferences of 1991 and 1993 respectively, IOM, IMO and other transport-related organizations and INTERPOL.

54. In April 1994 the Danish Government conducted a review of the apparently increasing number of incidents of alien-smuggling to Denmark from or through other countries with coasts on the Baltic Sea. In this connection, Denmark is planning, subject to the approval of the appropriate authorities and in concert with the Nordic and possibly other donor countries, to undertake a comprehensive programme of cooperation on migration issues with the countries around the Baltic Sea. The programme, whose primary aim is to strengthen the border control in these countries, would, through training, study tours and technical assistance, build institutional capacities within the migration and border-control authorities of the beneficiary countries. Denmark also intends to develop further its contacts with those authorities both at a high level and by such means as police liaison officers.

55. In Finland, the Alien Act of 22 February 1991 was amended in 1993 to give authorities more effective means with which to combat alien-smuggling including the maintenance of a register of information identifying aliens not permitted to remain in the country. The established cooperation of the police, the Customs and the Border Guard Service have been intensified. The authorities paid special attention to the inspection of documents and means of transport at the borders. Negotiations with the authorities of adjacent States for cooperation to prevent alien-smuggling have been initiated.

56. In Hungary, as a country of transit between East and West, alien-smuggling occurs in great numbers. In addition to administrative rules, there are criminal offences specified in the Criminal Code, such as the unlawful crossing of the border, alien-smuggling and illegal residence. Parliament approved the Act of 1993 on the Entry, Residency, and Immigration of Aliens (the Alien Act), which, with due respect for liberty of movement, for freedom to choose one's residence and for the granting of asylum to refugees, regulates the conditions of entry, residency and immigration. The order to ban entry and residency was applied only in well-founded cases: if the person in question falls under an expulsion ruling, is a member of a terrorist group endangering the constitutional order, pursues unlawful trading in weapons or drugs or engages in the smuggling of aliens. Further, the Criminal Code provides for punishing the smuggling of persons with deprivation of freedom for up to five years, and the unlawful crossing of the borders is punishable by deprivation of freedom for up to three years.

57. In Japan, a significant illegal influx of people by sea has continued in recent years. Four cases, involving 112 persons, were investigated in 1991, and 13 cases, involving 377 persons, in 1992. In 1993 there was a slight decrease, to four cases, involving 325 persons, although more people were smuggled in at one time than before. It is believed that a particular international smuggling syndicate actively participated in those cases. That syndicate, in close cooperation with criminal organizations in several countries, is funding its operations by collecting fees from illegal travellers. Their operations are expanding, and their methods are becoming more sophisticated, including, for example, the use of advanced radio communications systems in international waters.

58. As a countermeasure, the Government of Japan is making efforts, through its Ministry of Justice and the law-enforcement agencies, to intercept illegal

travellers and to deport them after the criminal proceedings have been completed. Steps are also being taken to discover illegal travellers through the close inspection of cargo vessels and the strict examination of crewmen. The Government of Japan urges the States concerned to prevent illegal departures by implementing strict control over marine carriers and would-be migrants and by strengthening public education on the subject.

59. In recent years, there has been a sharp increase in the use of forged travel documents at airports. The strict enforcement of procedures for issuing passports and visas has led to an increase in the use of forged passports of those countries with which a visa waiver has been agreed upon, or of forged visas provided by smuggling syndicates. In 1992, a total of 2,439 cases of forged travel documentation were detected in connection with deportation procedures.

60. In an effort to counter the use of forged travel documentation, the Japanese Government has strengthened enforcement and has sought to detect smuggling brokers by tracing purchase channels. On various occasions, the Government of Japan has requested the States concerned to strengthen the prevention of illegal departures through strict control over the issuing of passports and through a crackdown on smuggling brokers.

61. In Jordan, the Act on Residency and Alien Affairs deals with all matters relating to the entry and exit of aliens. The Act specifies the penalties to be imposed on any person violating the requirements for residency in or passage through the territory of Jordan, regardless of whether that person is an alien or a Jordanian national assisting in any way in the smuggling of aliens. The measures taken by Jordan with a view to preventing the smuggling of aliens entail preventing any person from entering the country by any means, unless he has prior approval for his entry and has met all the requirements for such entry. The personnel at border posts are given specialized training courses to enable them to detect any forgery in travel documents.

62. Accordingly, any person who attempts to enter the country illegally, whether by using forged documents, through smuggling or in any other way, would be arrested, brought to trail and then deported to the country of origin. Strict technical inspection measures are taken at the port of Aqaba to prevent any stowaways on ships from disembarking. They remain under observation on board the ship on which they arrived until the ship departs. Their personal safety is ensured, the method by which they boarded the ship is investigated, and the authorities are informed of their presence on board the ship.

63. In Luxembourg, the legislation concerning the entry and sojourn of aliens provides that persons who, by direct or indirect assistance, and specifically by providing housing or accommodation even if free of charge, voluntarily facilitate the illegal entry and sojourn of an alien shall be punished with imprisonment for a term of one to seven days and a fine of 250 to 2,500 francs, or with only one of those penalties.

64. A bill currently pending would repeal this provision, replacing it with a text to the effect that any person who, by means of direct or indirect assistance, and specifically by providing transport, housing or accommodation,

even if free of charge, voluntarily facilitates the illegal entry and sojourn of an alien shall be punished with imprisonment for a term of one month to three years and a fine of 20,000 to 5,000,000 francs, or with only one of those penalties.

65. In addition, the bill supplements this provision with a new article stipulating that an air carrier which provides passage to Luxembourg from another State for an alien who is not a national of a State member of the European Union and in possession of the necessary travel documents shall be punished with a fine of up to 50,000 francs for every passenger transported. The violation shall be recorded in a report prepared by the Gendarmerie and shall be punishable with a fine imposed by the Minister of Justice. As many fines shall be imposed as there are illegal passengers. However, a fine shall not be imposed when: (a) the alien has been admitted to Luxembourg or has presented a request for asylum that has been declared admissible with a view to its examination as to substance; or (b) the carrier is able to establish that the required documents were presented to it at the time of the passenger's boarding, or there is nothing clearly irregular in the documents presented.

66. The air carrier that has provided passage to Luxembourg for a passenger lacking the necessary documents must transport, or arrange the transport of, that passenger to the country from which he or she has come or to any other country to which he or she may be admitted. Moreover, the carrier is liable, jointly with the passenger who has not been authorized to enter Luxembourg, for any costs of accommodation, sojourn, health care or repatriation in respect of that passenger.

67. In Malta, the Government has taken measures to prevent alien-smuggling. To prevent and control abuse, the Immigration Act is being amended to provide for this type of offence. The proposed amendment to the Act will introduce criminal liability for carriers landing persons in Malta without proper documentation. Criminal legislation will also be introduced to punish persons assisting the clandestine entry of aliens.

68. The Government of Monaco has enacted Ordinance No. 3153, setting out the conditions for entry and residency of aliens in the Principality, to counter the plans and activities of those engaged in alien-smuggling. The Ordinance provides inter alia that any person who directly or indirectly facilitates the entry, movement or residency of an alien who has been subject to one of the administrative measures required in application of its article 22 is liable to a term of imprisonment of six months to three years and/or a fine of 500 to 5,000 francs.

69. In Norway, the Central Illegal Immigration Intelligence Unit, a special department at the National Bureau of Crime Investigation, was established in June 1993 to prevent alien-smuggling more effectively by collecting, processing and registering information pertaining to illegal immigration received by various authorities in the country, including information obtained through the computerized electronic transfer of documents, and to function as a centralized contact office for foreign police authorities. Since Nordic countries face identical problems in this area, a Nordic working group was established in 1993 to discuss work-cooperation routines, with special emphasis on the exchange of

information and on developing the competence of police personnel working on alien matters.

70. In Panama, the Government is aware that some criminal groups operating internationally are able to induce individuals to emigrate illegally through a number of border-crossing points. The Ministry of Internal Affairs and Justice has therefore established the Border Police, which is subordinate to the National Police Force. There is deep concern about the growing traffic in illegal immigrants, an issue fraught with socio-economic and financial complications.

71. In Sweden, under the Alien Act, which came into effect on 1 January 1994, a person may be imprisoned for two years if found guilty of assisting an alien in entering the country illegally, and the means of transport used for that purpose may be confiscated.

72. In Switzerland, a programme of action entitled "Internal Security 1994", aimed at more effectively combating illegal immigration, has been instituted this year. This programme, in line with the measures adopted at a Ministerial Conference at Budapest in February 1993, comprises long-term commitments (visa policy and practices viewed as police measures), projects under way (regulation of the liability of transport enterprises) and new projects (computerization of the issuance of visas, measures to combat the forging of identity documents and visas).

73. To combat alien-smuggling, the Syrian Arab Republic has imposed strict border control and increased cooperation with neighbouring States. Also, available technical equipment has been installed at immigration posts to verify the validity of passports and visas. National laws include provisions on sanctions against any person who enters the country illegally or anyone who shelters or employs such a person.

74. In Turkey, under article 85 of Business Law No. 1475, any activity of labour brokerage is prohibited, and under article 105, anybody involved in such activities shall be punished with imprisonment for not less than three years or with a heavy fine; in the event of repetition of such offences, the punishment is doubled. The authorizations of transport companies involved in illegal labour-brokerage activities are also cancelled. Those illegally entering or residing in Turkey are deported. In order to combat labour brokerage, bilateral cooperation agreements have been signed with neighbouring countries. Moreover, the authorities continue bilateral and multilateral contacts for cooperation in combating alien-smuggling.

75. Because of the particular geographical position of Ukraine and the fact that it shares borders with countries that are immediate neighbours of Western European States, Ukrainian territory has become a "buffer zone" for masses of migrants who gather there before making their way by illegal transit to the West. Analysis shows that illegal migration is increasing. For example, whereas in 1991 only 45 persons were detained at the Ukrainian border, in 1992 the figure had increased to a total of 17,800 aliens, including 9,800 nationals of South-East Asian, Middle and Near Eastern and African countries. This has

created severe difficulties, especially for a newly independent country such as Ukraine.

76. Steps were taken in Ukraine to improve the national legislation and statutory instruments concerned with the protection of the border by introducing increased liability (criminal, administrative and material) for offences in that sphere. In 1993 and 1994, laws on the legal status of aliens and on refugees were adopted, together with statutory instruments requiring that persons who violate the laws governing the protection of the national border must pay compensation from their personal resources for any expenditure incurred in connection with their detention and deportation. A bill on immigration is in preparation. The question has also been considered by a joint board consisting of the Ukrainian Security Service, the State Committee on the Protection of the State Border, the National Guard, the Office of the Public Prosecutor and the Ministry of Internal Affairs.

77. The United States is the destination of choice of illegal immigrants from the Caribbean, from Central and South America and from some Asian countries. Nationals of Haiti, the Dominican Republic and Jamaica often use commercial air and small-boat smuggling routes. Most South American smugglers apparently prefer to use fraudulent documents to place their clients on flights bound for the United States. A significant number of illegal immigrants from South America travel through Central America and attempt to continue their journey overland through Mexico to the United States. There are currently thousands of migrants from Ecuador stranded in Guatemala after being stopped at the Mexican border.

78. The largest flow of illegal immigration into the United States has come across the country's southern border. In recent years, that flow has included a growing number of nationalities. The illegal immigrants are brought by air or sea to Central America and then travel overland in small groups to the United States border, where they are smuggled across. The smuggling organizations that exist in Central American countries are loosely affiliated, alternatively cooperating and competing with one another. Many individuals involved in such organizations have become legal residents in those countries.

79. Control of alien-smuggling is made more difficult in the United States by the fact that in a number of Central American countries alien-smuggling is not illegal and smugglers are often able to operate openly. Migrants who reach Central America often remain for extended periods of time. Smugglers house and feed them in groups, waiting for "coyotes" to take them to the United States. Corruption among immigration officials is also a problem.

80. To transport illegal migrants to the United States from ports in Europe, alien-smugglers also use maritime shipping containers. In some cases such containers have been equipped with plumbing, beds, light and cooking facilities. The number of persons transported in this way has been small, mostly from countries in Eastern Europe. Some attempts to use maritime containers have resulted in the migrants' death by suffocation.

81. The potentially explosive nature of this problem in the United States was demonstrated by the alarming increase in the smuggling by sea of illegal

immigrants from China during the last four years. United States Coast Guard interceptions of such illegal immigrants aboard smuggling vessels increased from fewer than two dozen persons in 1991 to over 3,000 since January 1993. Most of those illegal immigrants were returned to China with the humanitarian assistance of third countries. Of those who reached the United States, most remain in detention.

82. The smuggling of illegal immigrants into the United States, organized by highly sophisticated international criminal organizations, has involved a number of other countries. Smugglers have arranged the transport of perhaps several hundred thousand such illegal immigrants to Europe and to North and South America. While many of them are now in third countries, their ultimate destination, for the most part, is the United States.

83. The criminal organizations engaged in smuggling illegal immigrants into the United States from China make billions of dollars in illicit income. Interviews with illegal immigrants in New York reveal that most of them paid $25,000 to $30,000 for a successful passage; $15,000 is the standard fee charged by smugglers for passage to Europe. The fee for being smuggled to Japan is $10,000. Thousands of workers from the Philippines have been smuggled through Eastern Europe and Italy into the United States, sometimes via Canada, by well-organized smuggling rings. Alien-smugglers also use Canada as a transit area when smuggling nationals of the former Soviet Union or the Republic of Korea into the United States.

84. The United States Coast Guard and the United States Immigration and Naturalization Service have increased their surveillance efforts. Through the diplomatic channel, other States have been asked to cooperate with the United States by increasing domestic enforcement, tightening laws and regulations on travel documentation, increasing border vigilance, improving registration requirements for flag vessels and enforcing relevant international conventions. Governmental agencies conduct training programmes to help airlines and foreign Governments disrupt smuggling schemes and prevent illegal immigrants from reaching the United States. Such training programmes are also provided for border guards and for immigration and police officials to enable them to detect fraudulently documented commercial air passengers. United States fraud experts also help airline personnel detect fraudulent travellers.

85. On 18 June 1993, the President of the United States announced an action plan to combat alien-smuggling. The plan called for increasing the United States diplomatic and law-enforcement efforts and for increased international cooperation to confront the problem. Furthermore, on 27 July 1993, the President recommended to Congress the Expedited Exclusion Act, which included increased penalties for alien smuggling and provided for the expeditious processing and repatriation of improperly documented aliens.

86. The Office of the United Nations High Commissioner for Refugees (UNHCR) reported that it has a mandate to provide international protection to refugees and to seek durable solutions to their problems. In response to the increasing severity of the refugee problem - there are now estimated to be some 20 million refugees and at least as many int[illegible]splaced persons in the world - the High Commissioner has committed the [illegible]-part strategy, consisting

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of prevention of the circumstances which force people to flee, protection when flight has become necessary and solutions, particularly voluntary repatriation. The main concern of UNHCR is that persons in need of international protection should be able to obtain it, through admission to safety in another country, security against refoulement and respect for basic human rights.

87. The fact that refugees may not always be in a position to obtain admission to another country through existing legal channels is recognized in the 1951 Convention Relating to the Status of Refugees, which reaffirms the principle that refugees shall not be penalized for their method of flight and manner of entry into the country of asylum (article 31).

88. When considering measures to combat the smuggling of aliens, UNHCR stresses that people who need protection, because they are directly fleeing violence and persecution, must be clearly distinguished from other migrants. This concern was recognized in paragraph 9 of General Assembly resolution 48/102, which emphasized that "international efforts to prevent the smuggling of aliens should not inhibit legal migration or freedom of travel or undercut the protection provided by international law to refugees".

89. At the same time, UNHCR recognizes that unrelenting demographic and economic pressures have spurred an increase in migration within and between various regions of the world, while opportunities for legal migration have become scarcer. The number of authorized immigrants remains far below the number seeking admission. For many would-be immigrants who do not qualify for immigrant visas, asylum procedures seem to offer a chance to secure admission and improve their lives in a new land. Attempts by people with no valid claim to international protection to take advantages of existing asylum procedures have created serious problems for many Governments and for bona fide asylum-seekers by clogging procedures for the determination of refugee status and by contributing to both popular and official confusion between refugees and illegal immigrants.

90. UNHCR advocates that a vital component in responding to such pressures should be to ensure that asylum-seekers have access to fair, effective and expeditious asylum procedures and that intentional misuse of those procedures should be actively discouraged. With regard to the latter, UNHCR has, together with IOM, organized a series of mass information programmes in Albania, Romania and Viet Nam. The programmes are aimed at informing the population of those countries about migration issues, and more particularly at stressing that refugee protection is available only to persons in need of such international protection. It is widely believed that the provision of such information has helped to counter the many false promises made by organized smuggling rings and has thereby played a role in reducing illegal migration from those countries. UNHCR also participates in numerous international meetings to discuss ways and means in which States can respond to illegal migration while at the same time ensuring that persons in need of international protection can obtain the protection they require.

91. The International Civil Aviation Organization (ICAO) reported that its Council, on 22 June 1994, at the 12th meeting of its one hundred and forty-second session, considered General Assembly resolution 48/102. The ICAO

facilitation programme deals with questions such as those concerning inadmissible persons, document safeguards and advance passenger information, which are relevant to the prevention of alien-smuggling.

92. The International Maritime Organization (IMO) reported that its Maritime Safety Committee, at its sixty-third session in May 1994 took note of General Assembly resolution 48/102. The Committee observed that the action envisaged in paragraph 11 of the resolution had already been undertaken in the context of IMO Assembly resolution A.773 (18) of 17 November 1993, on the enhancement of safety at sea by the prevention and suppression of unsafe practices associated with alien-smuggling by ships. The resolution notes the Assembly's great concern about incidents involving the smuggling of aliens on board ships and the serious problems for safety at sea which are associated with such activities. It also notes the International Convention for the Safety of Life at Sea of 1974, relevant international law and, in particular, article 94 of the 1982 United Nations Convention on the Law of the Sea, which requires every State to exercise jurisdiction over ships flying its flag and to take such measures as are necessary to ensure safety at sea. The resolution calls upon member States, inter alia, to take steps to prevent alien-smuggling, exchange information concerning ships involved in smuggling, cooperate in allowing safety inspections of ships flying their flag and ensure the humane treatment of smuggled aliens. It also requests Governments to take required action, in accordance with international conventions, to detain unsafe ships involved in alien-smuggling and to report promptly to the Government whose flag the ship is entitled to fly and the Secretary-General of IMO all incidents involving unsafe practices associated with alien-smuggling which come to their attention.

93. The International Organization for Migration (IOM) reported that its activities during the past year with regard to the broad topic of alien-smuggling had expanded considerably. In accordance with its mandate, IOM has organized several meetings which have provided forums for Governments and other interested parties to discuss migrant-smuggling:

(a) In July 1993, IOM hosted an informal exchange of views on the subject, at which countries of origin, transit and destination were represented, as were IOM and UNHCR. Discussion focused on the nature of migrant-smuggling and on new and existing policies to combat such flows;

(b) In June 1994, IOM hosted a meeting on the return of irregular migrants and unsuccessful asylum-seekers, at which Governments underlined their belief that effective programs for the return of irregular migrants were essential for the deterrence of trafficking. IOM reviewed the range of its return programmes and described how the organization offered a return option which was voluntary and often quicker and less expensive than forced removals, as well as more humane;

(c) IOM is organizing an international seminar, to be held at Geneva from 26 to 28 October 1994 on the theme of "International Response to Trafficking in Migrants and Safeguarding Migrants' Rights". In the preparations, three aspects of migrant-smuggling which are particularly troubling to the Governments concerned have been identified: (a) the associated violations of human rights and dignity; (b) the social and economic implications of disorderly immigration;

and (c) linkages to organized crime. The seminar is designed to broaden and deepen understanding of these issues and make recommendations for practical cooperation between States to combat the traffic in migrants more effectively. Governments, international intergovernmental and non-governmental organizations, and academics will be participating, and a report will be produced and will certainly be made available to the United Nations.

94. IOM is also working to improve the gathering and dissemination of information on migrant-smuggling. The organization has begun publishing a quarterly bulletin, entitled "Trafficking in Migrants", which compiles news on the subject from the media, Governments and intergovernmental and non-governmental organizations. The bulletin serves as a medium through which information on incidents, trends and policies can be exchanged and publicized. IOM's Budapest-based Migration Information Programme is currently issuing a series of reports on transit migration in Central and Eastern Europe. Transit migrants are those who find themselves stranded in a third country, outside their country of residence but unable to reach their country of destination. Evidence indicates that many such migrants have used smugglers or continue to rely on them, although the prevalence of trafficking varies from country to country and from nationality to nationality.

95. Last, IOM has organized on an ad hoc basis the voluntary repatriation of several groups of smuggled migrants who, after being informed by the authorities of their intended country of destination and by the country of transit that they would not be granted legal residence, opted to return home. The organization is currently in the process of refining, and appealing, for funding of a formal project to organize the voluntary return of such migrants from transit and destination countries.

IV. CONCLUSIONS

96. As can be seen from the information summarized above, the criminal practice of organized smuggling of illegal migrants across national borders constitutes a growing problem for many countries. Moreover, taking into account the resolutions adopted by both the General Assembly and the Economic and Social Council upon the recommendation of the Commission on Crime Prevention and Criminal Justice, as well the actions taken, there is sufficient reason to keep the matter under review, in order to consider more effective national, subregional, regional and interregional countermeasures, as proposed by Member States.

97. A number of countries have taken specific measures to combat alien-smuggling which include increased vigilance at coastal ports, airports and land borders, have enacted or amended legislation so as to increase the relevant criminal penalties and have enhanced the professional skills of the relevant personnel. States have also provided humanitarian assistance and funds for the safe repatriation of illegal migrants to their respective countries of origin, as well as strengthened cooperative arrangements of appropriate form.

98. It is generally recognized that transnational criminal organizations are making the interdiction efforts of law-enforcement authorities increasingly more difficult by diversifying air and land routes, changing the types of vessels used and their flags of registry, improving the quality of fraudulent documents and corrupting public officials. In view of the enormous profits involved and the limited risk of arrest and detention run by those who mastermind such operations, and because of the growing demographic and economic pressures, alien-smuggling is likely to increase unless comprehensive and integrated preventive measures are taken. Only through a concerted international effort can this trade in human cargo be controlled.

99. A number of countries have experienced difficulties in dealing effectively with the organized illicit smuggling of aliens; this is especially true of developing countries and those in transition, including countries which are used as transit areas by smuggling groups. Greater emphasis could usefully be placed on the promotion of international cooperation and technical assistance, in order to assist those countries in developing and implementing policies to prevent and control the clandestine traffic in aliens. Steps should also be taken to improve coordination between national law-enforcement authorities, in cooperation with the competent international bodies and in coordination with carriers engaged in international transport. Such measures are needed not only to detect and prevent alien-smuggling operations but also, in so far as possible, to safeguard the human rights of the aliens, who are often transported under hazardous conditions, and to facilitate their safe repatriation. In particular, countries requesting it should be given comprehensive technical assistance in preparing legislation to criminalize and punish the organized smuggling of aliens and in establishing a range of administrative measures to support the penal regime, where necessary. Training should also be available for the personnel involved in enforcing and administering the law.

100. In the light of the action already taken by United Nations legislative bodies and the measures adopted by States, as summarized in the present report, the General Assembly may also wish to consider a fully concerted course of action that might be taken by the international community, in connection with the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, to be convened at Tunis from 3 to 14 April 1995.

Notes

1/ See the report of the Commission on its third session, Official Records of the Economic and Social Council, 1994, Supplement No. 11 (E/1994/31-E/CN.15/1994/12), chap. II, para. 29.

2/ Ibid., chap. I, draft resolution III.

3/ "Trafficking in Migrants", No. 1, December 1993.

4/ Report of the Asia and Pacific Regional Preparatory Meeting for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (A/CONF.169/RPM.1/Rev.1).

5/ Report of the European Regional Preparatory Meeting for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (A/CONF.169/RPM.3).

6/ "Trafficking in Migrants", No. 2, March 1994.